

REMARKS

Applicants acknowledge allowance of claims 1, 3, 7, 9-13 and 15-19. Claims 1, 2, 5-7, 11, 12, 14, 15, 17, 19 and 22 have been amended.

Applicants have amended the claims primarily to provide sufficient antecedent basis and/or clarity as discussed further below.

Independent claim 1 has been amended to specify that a **feed** solution comprising maleic acid and the water of solution is provided in step (a) of the process and that the feed solution comprising maleic acid is reacted in step (b).

Claim 7 has been amended to reflect the revised claim language of claim 1 and ensure proper antecedent basis.

Claim 11 has been amended to delete the phrase "the one or more heaters are located in the or each reactor close to the feed point." This phrase was previously cancelled in Amendment C, filed November 21, 2008, but was erroneously reincorporated in claim 11 in Amendment D, filed October 29, 2009.

Claim 15 has been amended and new claim 23 has been added to eliminate the multiple dependency contained in claim 15. At the time of filing, the fee for presenting multiple dependent claims was not included in the filing fee. Moreover, the USPTO "Patent Application Fee Determination Record" (Form PTO-875) does not indicate the presence of multiple dependent claims. In any event, with the current amendment to claim 15, none of the claims are multiple dependent. Accordingly, no fee for presenting a multiple dependent claim is due.

Claims 12 and 17 have been amended to include the word "the" before the "water of solution" and "water of esterification," respectively.

Claim 19 has been amended to refer back to the esterification zone recited in step (b) of the process.

Upon entry of this amendment, claims 1-3, 5-7, 9-19, 22, and 23 will be pending. No new matter is being introduced by the current amendment.

Withdrawal of Previous Rejections

Applicants acknowledge the withdrawal of the rejection of claims 1-3, 5, 6, 9-15 and 20 under 35 U.S.C. §103(a) based on U.S. Patent No. 4,058,555 (Mims).

Applicants acknowledge the withdrawal of the rejection of claims 1-3, 5, 10-12 and 16-21 under 35 U.S.C. §103(a) based on U.S. Patent No. 4,032,458 (Cooley et al.) in view of U.S. Patent No. 4,751,334 (Turner et al.) and Mims.

Applicants acknowledge the withdrawal of the rejection of claims 1, 2, 5-7, 9-15, and 20-22 under 35 U.S.C. §103(a). On page 2 of the Office action, in its statement of withdrawal of the rejection of claims 1, 2, 5-7, 9-15, and 20-22, the Office did not recite the cited references associated with the rejection. Applicants submit that it is evident from the record that the Office has withdrawn its rejection of claims 1, 2, 5-7, 9-15, and 20-22 under 35 U.S.C. §103(a) based on GB 1,437,898 (Schwartz et al.) in view of U.S. Patent No. 5,210,296 (Cockrem et al.) and Mims.

Rejections Under 35 U.S.C. §112, Second Paragraph

Applicants respectfully request reconsideration of the rejection of claims 2, 5, 6, 14, and 22 under 35 U.S.C. §112,

second paragraph. Applicants submit that the amendments to the claims provide sufficient antecedent basis and/or clarity.

Claim 2 has been amended by deleting the phrase "the present invention" such that the claimed subject matter is now sufficiently clear that one skilled in the art would understand the subject matter being claimed.

Claims 5 and 6 have been amended to recite the phrase "feed solution." Claim 1, from which claims 5 and 6 depend, has been amended to provide sufficient antecedent basis for this phrase.

Claim 14 has been amended to now refer to the "second stage" of the two-stage process recited in claim 1. Accordingly, claim 1, from which claim 14 depends, provides sufficient antecedent basis for said "second stage."

Claim 22 has been amended to recite the phrase "feed solution comprising maleic acid." Amended claim 1, from which claim 22 depends, provides sufficient antecedent basis for the phrase "feed solution comprising maleic acid."

Favorable reconsideration and allowance of all pending claims are respectfully requested.

The Commissioner is hereby authorized to charge any fee deficiency or underpayment in connection with this Amendment to Deposit Account No. 19-1345.

Respectfully submitted,

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